

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Antonio Goodwin,

Plaintiff,

v.

AT&T,

Defendant.

Case No. 2:23-cv-01950-GMN-DJA

Order

Before the Court is *pro se* Plaintiff Antonio's motions to compel (ECF Nos. 48, 50). Defendant opposes Plaintiff's first motion to compel. (ECF No. 49). Defendant's response to Plaintiff's second motion to compel is not yet due, but the Court does not require a response to decide the motion. Nor does it require a reply.¹

Plaintiff moves to compel Defendant to respond to certain of his discovery requests. (ECF Nos. 48, 50). He also apparently seeks to serve additional interrogatories on Defendant. (ECF No. 48). Regarding his requests to compel, Plaintiff has not complied with the Federal and Nevada Local Rules² relevant to his request. Plaintiff's motion to compel is governed by Federal Rule of Civil Procedure 37(a) and Nevada Local Rule 26-6. Before bringing a motion to compel,

¹ The Court does not need a further response from Defendant because Plaintiff's motions to compel seek similar relief. And so, a further response would not affect the outcome of the motion or either party's substantive rights. Additionally, because the Court denies Plaintiff's motions to compel on procedural grounds, a reply from Plaintiff would not change the Court's decision. *See Alliance of Nonprofits for Ins., Risk Retention Group v. Kipper*, 712 F.3d 1316, 1327-38 (9th Cir. 2013) (finding that the district court did not commit reversible error when it determined certain motions without awaiting or considering responses because the local rule at issue did not guarantee a period of time to file a response and because the court's failure to consider one response did not affect the outcome of the motion or the would-be respondent's substantive rights).

² This refers to the Local Rules of Practice for the United States District Court for the District of Nevada, which can be found online at <https://www.nvd.uscourts.gov/court-information/rules-and-orders/>.

1 Federal Rule of Civil Procedure 37(a)(1) and Local Rule 26-6(c) require the party bringing the
2 motion to make a good faith effort to meet and confer with the other party to attempt and resolve
3 the dispute without court action. Local Rule 26-6(c) explains:

4 Discovery motions will not be considered unless the movant (1) has
5 made a good faith effort to meet and confer as defined in LR IA 1-
6 3(f)³ before filing the motion, and (2) includes a declaration setting
7 forth the details and results of the meet and confer conference about
8 each disputed discovery request.

9 Additionally, Local Rule 26-6(b) requires that all motions for protective order “must set
10 forth in full the text of the discovery originally sought and any response to it.”

11 ³ Local Rule IA 1-3(f) provides the following:

12 Meet and Confer. Whenever used in these rules, to “meet and
13 confer” means to communicate directly and discuss in good faith the
14 issues required under the particular rule or court order. This
15 requirement is reciprocal and applies to all participants. Unless
16 these rules or a court order provide otherwise, this requirement may
17 only be satisfied through direct dialogue and discussion in a face-to-
18 face meeting, telephone conference, or video conference. The
19 exchange of written, electronic, or voice-mail communications does
20 not satisfy this requirement.

21 (1) The requirement to meet and confer face-to-face or via
22 telephonic or video conference does not apply in the case of an
23 incarcerated individual appearing pro se, in which case the
24 meet-and-confer requirement may be satisfied through written
25 communication.

26 (2) A party who files a motion to which the meet-and-confer
27 requirement applies must submit a declaration stating all meet-
28 and-confer efforts, including the time, place, manner, and
29 participants. The movant must certify that, despite a sincere
30 effort to resolve or narrow the dispute during the meet-and-
31 confer conference, the parties were unable to resolve or narrow
32 the dispute without court intervention.

33 (3) In addition to any sanction available under the Federal Rules of
34 Civil Procedure, statutes, or case law, the court may impose
35 appropriate sanctions under LR IA 11-8 for a party’s failure to
36 comply with the meet-and-confer requirement.

37 (4) Failure to make a good-faith effort to meet and confer before
38 filing any motion to which the requirement applies may result
39 in denial of the motion.

1 A meet and confer is thus a prerequisite to Plaintiff filing his motions to compel. Because
2 it does not appear that the parties met and conferred, the Court denies Plaintiff's motion.⁴
3 Additionally, without the text of the discovery originally sought and any response Defendant
4 made to it, the Court cannot decide Plaintiff's requests to compel. So, the Court denies Plaintiff's
5 motions for this reason too.

6 To the extent Plaintiff's motion is seeking to extend the number of interrogatories he can
7 serve under Federal Rule of Civil Procedure 33(a)(1), the Court denies this request as well. (ECF
8 No. 48). Federal Rule of Civil Procedure 33(a)(1) provides that, unless otherwise stipulated or
9 ordered by the court, a party may serve on any other party no more than 25 written
10 interrogatories, including all discrete subparts. That rule further provides that, "[l]eave to serve
11 additional interrogatories may be granted to the extent consistent with Rule 26(b)(1) and (2)."⁵
12 Fed. R. Civ. P. 33(a)(1). Plaintiff does not explain how many interrogatories he has served, why
13 he needs more, or why the additional interrogatories he requests are consistent with Federal Rules
14 of Civil Procedure 26(b)(1) and (2). So, the Court denies his motion regarding this request.⁶
15 (ECF No. 48).

20 ⁴ In a separate motion, Plaintiff asserts to have spoken with Defendant's counsel in February and
21 March. (ECF No. 51 at 2-3). However, it is not clear to the Court whether those conversation
22 were meet and confers as defined in Local Rule IA 1-3(f). And in any event, Plaintiff did not file
23 a declaration regarding the meet and confer as required by Local Rule IA 1-3(f)(2). To the extent
24 Plaintiff intended his motion for sanctions (ECF No. 51) to be that declaration, it is insufficient
25 because Plaintiff did not "include" the declaration with his motions to compel as required by
26 Federal Rule of Civil Procedure 37(a)(1) and Local Rule 26-6(c). Instead, he filed it days later.

27 ⁵ Federal Rule of Civil Procedure 26(b)(1) provides the scope of discovery and Federal Rule of
28 Civil Procedure 26(b)(1) outlines certain limitations on discovery.

⁶ The Court declines to limit Plaintiff's interrogatory submission to twenty-five interrogatories as
Defendant requests in response. (ECF No. 49). This is because Defendant did not separately
move for this relief and so Plaintiff does not have an opportunity to adequately respond. *See*
Local Rule IC 2-2(b) (explaining that, for each type of relief requested or purpose of a document
filed, a separate document must be filed and a separate event must be selected for that document).

1 **IT IS THEREFORE ORDERED** that Plaintiff's motions to compel (ECF Nos. 48, 50)
2 are **denied**. The Clerk of Court is kindly directed to send Plaintiff a copy of this order.

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4 DATED: March 27, 2025

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8 DANIEL J. ALBREGTS
9 UNITED STATES MAGISTRATE JUDGE
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